

REMARKS

Claims 16-26, 42-53, 55-60, 75-81 are pending in the application and stand rejected..

Claim and Specification Objections

Various objections were asserted on pages 2-4 of the Final Office Action. Applicants traverse these objections. Applicants have reviewed the claim language at issue and find that the claim language is crystal clear. There is simply no basis for examiner's confusion regarding the claim language and the use of the term "object". Moreover, there is no basis for Examiner's request to limit the claims by replacing "objects" with "web pages". There is nothing in Applicants' specification that limits the claimed inventions to web pages. If Examiner disagrees, Applicants request that the Examiner offer some reasonable, legal explanation as to why the claim scope is limited to web pages. In the absence of such explanation, the objection must be withdrawn, rather than reiterated again without support.

Furthermore, the claim language of claims 23 and 49 is crystal clear and is wholly supported by the specification. If Examiner disagrees, Applicants request that the Examiner offer some reasonable, legal explanation as to why the claim language is not supported by the specification. In the absence of such explanation, the objection must be withdrawn, rather than reiterated again without support.

Claim Rejections- 35 U.S.C. § 102

Claims 16, 17, 42 and 43 remain rejected under 35 U.S.C. 102(e) as being anticipated by the publication by Darnell, et al. Applicants respectfully traverse the rejection and contend that at the very minimum, claims 16 and 42 are not anticipated by Darnell.

The Examiner essentially acknowledges that the Darnell reference does not specifically disclose *a method for publishing a plurality of objects* including, for example, *partitioning at*

least some of a plurality of objects into a plurality of groups such that if two compound objects are constructed from at least one common changed fragment, then the compound objects are placed in a same group, and publishing all objects belonging to a same group together.

Rather, the Examiner contends that Darnell “inherently” discloses these claimed features and contends (on page 26 of the Final Office Action) that *this is the way Dreamweaver 1.2 works when it updates the “library items” of the web pages* and that the Examiner *confirmed this with another fellow examiner who has worked extensively with Dreamweaver 1.2*. Without more, this is essentially pure speculation and surmise on the part of the Examiner because the Darnell reference discloses nothing more than an update process which is performed by searching through pages of a selected web site for library items, and updating any items that are found with current contents from the library.

In this regard, if Examiner Hutton has specific knowledge as to the functionalities of Dreamweaver 1.2, Applicants request that Examiner Hutton provide a sworn affidavit (as is required under the MPEP) attesting to this and explaining in detail how the claimed “partitioning” is included in Dreamweaver 1.2 or inherently disclosed in Darnell. Without more, the inherency argument is legally deficient as being based on pure speculation and surmise, thus requiring the withdrawal of the anticipation rejections.

Claim Rejections- 35 U.S.C. § 103

The following claim rejections were asserted under 35 U.S.C. § 103(a):

- (i) Claims 18, 19, 44 and 45 stand rejected as being unpatentable over Darnell, for the reasons set forth on pages 14-15 of the Office Action;
- (ii) Claims 20-22 and 46-48 stand rejected as being unpatentable over Darnell in view of U.S. patent No. 6,199,082 to Ferrel, for the reasons set forth on pages 15-18 of the Office Action;

and

(iii) Claims 23-26, 49-53 and 55-60 stand rejected as being unpatentable over Darnell, in view of Ferrel and further in view of Cormen, for the reasons set forth on pages 18-30 of the Office Action.

The above obviousness rejections (i) and (ii) are based, in part, on Examiner's contention that Darnell discloses all the elements of claims 16 and 42. However, as noted above, without support for Examiner's "inherency" argument in the form of an Affidavit, Darnell does not disclose or remotely suggest elements of claims 16 and 42. Thus, the obviousness rejections (i) and (ii) are legally deficient on their face because it has not even been sufficiently demonstrated how Darnell alone, or in combination with Ferrel, even discloses the elements of claims 16 or 42.

Moreover, with respect to the above obviousness rejection (iii) for claims 23-26 and 49-52 (which depend directly or indirectly from respective base claims 16 or 42), the obviousness rejections are legally deficient on their face because it has not even been sufficiently demonstrated how Darnell alone, or in combination with Ferrel and/or Cormen even discloses the elements of claims 16 or 42.

Moreover, with regard to claims 53 and 55-60, Examiner once again relies on some "inherency" theory to support the rejection. But the combination of Darnell, Ferrel and Cormen does not disclose or suggest e.g., *constructing at least one graph, the at least one graph including nodes representing at least some of the plurality of objects and edges for connecting nodes having relationships, at least some of the edges being derived from at least one consistency constraint*, as essentially claimed in claim 53

Examiner relies on Ferrel as disclosing the above claim elements. It is respectfully submitted, however, that Examiner's reliance on Ferrel in this regard is misplaced. Examiner

relies solely on two lines (Col. 9, lines 30-31) of Ferrel, which states that the “natural way of storing related and ordered objects is in a data structure, such as an acyclic graph”. This teaching does not disclose or suggest a graph having nodes and edges, wherein at least some of the edges being derived from at least one consistency constraint. Although acyclic graphs may be known to have ordered (directed) edges, this is not the same as edges derived from consistency constraints, as claimed.

Other than the simplistic, strained interpretation offered by the Examiner, there is simply no basis for Examiner’s contention that “edges of an acyclic graph inherently are derived from a consistency constraint for publishing objects. Examiner’s attempt to misconstrue the teachings of Ferrel and the claimed inventions in an attempt to fit the claim language is improper as a matter of law, rendering the obviousness rejections legally deficient on their face.

In view of the foregoing, it is respectfully submitted that all rejections and objections are improper and unsupported, and must be withdrawn.

Respectfully submitted,



Frank V. DeRosa
Reg. No. 43,584
Attorney for Applicant(s)

F. Chau & Associates, LLC
130 Woodbury Road
Woodbury, New York 11797
TEL: (516) 692-8888
FAX: (516) 692-8889